

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION

GREGORY V. PUTNAM,

Plaintiff,

v.

Civil Action No. 1:23-cv-12
Judge Thomas S. Kleeh

WALMART, INC., JOHN DOE(s),
and WAL-MART REAL ESTATE
BUSINESS TRUST,

Defendants.

REPORT OF PARTIES' PLANNING MEETING

1. **Rule 26(f) meeting.** Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on February 28, 2023. Those participating were:

- (a) James A. Villanova, Esq., Villanova Law Offices, P.C., Counsel for Plaintiff.
- (b) Heather M. Noel, Esq., Shuman McCuskey Slicer, PLLC, Counsel for Defendant Walmart, Inc., and Wal-Mart Real Estate Business Trust.

2. **Pre-Discovery Disclosures.** The parties will exchange by April 4, 2023, the information required by Fed. R. Civ. P. 26(a)(1).

3. **Joinder and Amendment of Pleadings.** Plaintiff should be allowed until May 4, 2023, to join additional parties and until May 4, 2023, to amend the pleadings. Defendant should be allowed until May 4, 2023, to join additional parties, and until May 4, 2023, to amend the pleadings.

4. **Discovery Plan.** The Defendant proposes to the Court the following discovery plan:

A. Discovery will be needed on the following subjects:

- (i.) Liability
- (ii.) Damages

(iii.) Causation

- B. Disclosure of electronically stored information will be determined at a later date upon agreement of counsel should ESI disclosures arise in the discovery process.
- C. Parties will agree to an Order regarding claims of privilege or of protections as trial preparation material asserted after production, as follows:
 - (i.) Parties will agree on a Protective Order as necessary.
- D. This action is not suitable for designation as a complex case requiring special case management procedures and additional pretrial conferences.
- E. The last date to serve discovery requests is November 3, 2023. The last date on which to take a discovery deposition is 45 days after the last date to serve discovery requests. The last date on which to take a discovery deposition is known as the “discovery completion date”.
- F. The parties adopt the discovery limits set forth in the Federal Rules of Civil Procedure.
- G. Reports from retained experts under Rule 26(a)(2) are due:
 - (i.) By the party with the burden of proof of an issue:
September 25, 2023.
 - (ii.) By the party not bearing the burden of proof on an issue:
October 27, 2023.
 - (iii.) Expert witness disclosures intended solely to contradict or rebut evidence on the same issue identified by another party:
November 8, 2023.
- H. Examinations pursuant to Rule 35 shall be completed by: October 20, 2023.

5. **Magistrate Judge.** The Magistrate Judge will resolve all discovery disputes. The Defendant does not consent to have a United States Magistrate Judge conduct any and all further proceedings in this case, including trial, and order the entry of a final judgment.
6. **Mediation.** Mediation will take place on or before December 22, 2023.
7. **Dispositive Motions.** Potential dispositive motions shall be filed by January 26, 2024, with the responses and replies filed according to the Local Rules.
8. The parties are willing to discuss settlement options at any time whether on their own initiative or at the direction of the Court.
9. **Rule 26(a)(3) disclosures:** A final settlement meeting shall be held by no later than February 9, 2024, at which time all disclosures required pursuant to Rule 26(a)(3) shall be made.
10. **Pretrial Conference.** The parties shall request a pretrial conference on February 20, 2024. Plaintiff shall submit a proposed pretrial Order to Defendants on or before February 7, 2024. Defendants shall compile a proposed integrated pretrial Order and submit it to chambers of the presiding judicial officer on or before February 14, 2024.
11. **Jury Instructions.** Where applicable, proposed jury instructions shall be exchanged and transmitted to chambers of the presiding judicial officer in electronic format on or before February 14, 2024.
12. **Finding of Facts.** Where applicable, proposed findings of fact and conclusions of law shall be exchanged and transmitted to chambers of the presiding judicial officer in electronic format on or before February 14, 2024.
13. **Settlement Conference.** A final settlement conference will take place on February 26, 2024.
14. **Trial.** This case should be ready for trial by February 27, 2024, and at this time is expected to take approximately Three days.

15. **Scheduling Conference.** The Defendant does not request a conference with the Court before entry of the Scheduling Order.

Respectfully submitted,

PLAINTIFF,
BY COUNSEL,

/s/ James A. Villanova
James A. Villanova, Esq.
Michael E. Metro, Esq.
Villanova Law Offices, P.C.
16 Chatham Square
Pittsburgh, PA 15219

WALMART INC., and WAL-MART REAL
ESTATE BUSINESS TRUST,
By Counsel.

/s/ Heather M. Noel
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REPORT OF PARTIES' PLANNING MEETING WORKSHEET

1. **Date case removed:** January 26, 2023.
2. **Date first defendant appears:** January 26, 2023.
3. **Date of scheduling conference:** if necessary.
4. **Date of Joinder and Amendments:** May 4, 2023.
5. **Last date to serve discovery requests:** November 3, 2023.
6. **Last date to take a discovery deposition:** December 15, 2023.
7. The parties adopt the discovery limits set forth in the Federal Rules of Civil Procedure.
8. **Rule 26(a)(2) disclosures re experts:**
 - (a) By the party with the burden of proof of an issue: September 25, 2023.
 - (b) By the party not bearing the burden of proof on an issue: October 27, 2023.
 - (c) Expert witness disclosures intended solely to contradict or rebut evidence on the same
issue identified by another party November 8, 2023.
9. **Examinations pursuant to Rule 35:** October 20, 2023.

10. **Magistrate Judge:** The Magistrate Judge will resolve all discovery disputes. The Defendant does not consent to have a United States Magistrate Judge conduct any and all further proceedings in this case, including trial, and order the entry of a final judgment.
11. **Mediation.** Mediation will take place on or before: December 22, 2023.
12. **Dispositive Motions:** January 26, 2024.
13. **Settlement Meeting and Rule 26(a)(3) disclosures:** February 9, 2024.
14. Pretrial Order:
 - (a.) Plaintiff's portion of Pretrial Order due to Defendants: February 7, 2024.
 - (b.) Integrated Pretrial Order: February 14, 2024.
15. **Pretrial Conference:** February 20, 2024.
16. **Jury Instructions:** February 14, 2024.
17. **Finding of Facts/conclusion of law:** February 14, 2024.
18. **Final Settlement Conference:** February 26, 2024.
19. **Trial:** February 27, 2024.

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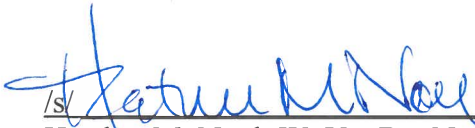
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Defendants.

CERTIFICATE OF SERVICE

I, Heather M. Noel, counsel for Defendant Walmart, Inc. and Wal-Mart Real Estate Business Trust, do hereby certify that on March 1, 2023, I served a true and correct copy of the foregoing **REPORT OF PARTIES' PLANNING MEETING** was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

James A. Villanova, Esq.
Michael E. Metro, Esq.
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Pittsburgh, PA 15219
Counsel for Plaintiff


/s/ Heather M. Noel
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